

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ACE INSURANCE LTD., :
 :
Plaintiff, :
 :
- against - : 07 Civ. 7920(SAS)
 :
DART EXPRESS (S) PTE LTD., :
 :
Defendant. : **PROPOSED**
 : **SCHEDULING ORDER**

11/14/07

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WHEREAS, the Court issued an Order for Initial Pretrial Conference in accordance with Fed. R. Civ. P. 16(b) and said conference is to be held on November 14, 2007 at 2:00 p.m.; and

WHEREAS, the parties are required to jointly prepare and sign a proposed scheduling order containing certain information; and

NOW, THEREFORE, the parties hereby respectfully submit the following information:

(1) The appearances for the parties:

David Mazaroli for plaintiff

Condon & Forsyth LLP (by Stephen Fearon and Jennifer Jacobson) for defendant

(2) A concise statement of the issues as they now appear:

Is defendant liable for the loss of the shipment?

What is the quantum of recoverable damages?

Is defendant entitled to limited liability?

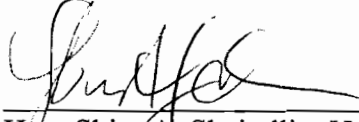
What is the rate of prejudgment interest to be awarded, if any?

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- (3) A schedule including:
- (a) the names of persons to be deposed and a schedule of planned depositions:
Representative of plaintiff; representative of defendant;
 - (b) a schedule for the production of documents: January 15, 2008;
 - (c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed:
Experts' reports to be exchanged by February 11, 2008
Experts to be deposed by February 26, 2008
 - (d) time when discovery is to be completed: March 1, 2008
 - (e) the date by which plaintiff will supply its pre-trial order matters to defendant: March 23, 2008
 - (f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either proposed findings of fact and conclusions of law for a non-jury trial.
April 16, 2008
 - (g) Final pre-trial conference pursuant to Fed. R. Civ. P. 16(d):
March 25 at 4³⁰
- (4) A statement of any limitations to be placed on discovery, including any protective or confidentiality orders: None known at this time.
- (5) A statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement: None known at this time
- (6) Anticipated fields of expert testimony, if any:
Fair market value of the cargo.
- (7) Anticipated length of trial and whether to court or jury: 1-day non-jury.
- (8) This scheduling order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.

Dated: New York, New York
November 14, 2007

So Ordered:



Hon. Shira A. Sheindlin, U.S.D.J.
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